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BY EMAIL

For the attention of Jake Stephens

BramfordtoTwinstead@planninginspectorate.gov.uk

Dear Mr Stephens

BRAMFORD TO TWINSTEAD DCO APPLICATION ADEQUACY OF CONSULTATION

Thank you for the notification that National Grid Electricity Transmission (NGET) has submitted the Bramford to Twinstead 400kV grid reinforcement application for Development Consent. It is understood that the Planning Inspectorate has until 25 May 2023 to determine whether to accept the application. During this time local authorities have until 11 May 2023 to submit a representation regarding the pre-application consultation. Please therefore accept this letter as a response from Suffolk County Council, Mid Suffolk & Babergh District Councils and Essex County Council (the Councils) to the Planning Inspectorate's request for comments on the adequacy of consultation undertaken by the applicant during the pre-application stage.

The PINS letter dated 27 April 2023 sets out that local authorities should consider whether the applicant has complied with the following duties:

- Duty to Consult – Section 42 - Planning Act 2008 (as amended);
- Duty to consult the local community – Section 47 of Planning Act (as amended), and;
- Duty to Publicise – Section 48 of the Planning Act (as amended).

When writing the Council's response, reference has been made to NGET's website which summarises the pre-application consultation and the Consultation Report produced by the applicant which addresses the statutory requirements.

Pre-application Consultation

The Councils concur with the NGET summary of the five rounds of consultation undertaken. The pre-application consultation undertaken has been outlined below:

Round 1 Route Options Consultation – October 2009 to July 2011

The first stage of consultation started in October 2009. During the consultation NGET explained why the reinforcement was needed, how NGET had assessed the strategic options and how NGET set out in detail each of the four route corridor options under consideration.

People were asked to provide their views on the proposals and on each of the four route corridor options.

NGET state that over 3,000 individual consultation responses were received which were used to review corridor assessment work and to help identify a preferred corridor.

In July 2011 NGET confirmed their decision to take forward Route Corridor 2 as the preferred corridor option. It was selected as it followed the route of existing overhead lines and would enable a section of an existing 132kV route to be removed. This corridor was also considered to give rise to a lower scale of effect on landscape and views than other options.

Round 2 Preferred Route Option Consultation – May to October 2012

Following the selection of the preferred corridor, NGET started to develop indicative alignments and carried out further work to identify whether any specific sections should be partly or wholly undergrounded.

The views of local people were canvassed through a series of Community Forum meetings. Local authorities, environmental bodies and technical specialists gave feedback through several Thematic Group meetings.

In May 2012 NGET published details of their indicative alignment. It included two sections of the route where the high cost of putting the cables underground was considered justifiable, these were:

- around 4 km from Whitestreet Green to Leavenheath through the Dedham Vale AONB, and;
- approximately 4 kilometres in the Stour Valley, where, after listening to feedback from the public and consultees, it was clear that location was important not just for its high-quality landscape, but also its cultural links with Gainsborough, Constable and the Nash brothers.

Each of the underground sections would require a cable sealing end compound at each end to connect to the overhead lines.

Further public consultations were held over the summer of 2012 and in October of that year, and NGET confirmed their preferred alignment and announced the next steps in the detailed design of our proposals, including:

- deciding on the preferred route at the eastern end of the route around the villages of Hintlesham and Burstall;
- further consultation on the location of the connection point at the western end of the route where underground cables in the Stour Valley would connect to the existing 400kV overhead line between Twinstead Tee and Braintree, and;
- and identifying a site for a grid supply substation west of Twinstead, to maintain local electricity supplies and enable the removal of UK Power Network's existing 132kV line.

Project pause

In November 2013 work was paused when it was apparent that some of the generation projects in the region were not going to come forward as quickly as previously envisaged. While the need for the reinforcement remained, it was apparent that it would not be needed in the timescales originally envisaged.

Round 3 Non- Statutory Consultation – 25 March 2021 to 8 May 2021

Work on the project resumed in 2020. At this time, NGET reviewed their proposals as they were in 2013 and found that they broadly remained appropriate and were efficient, coordinated and economical.

Following this, between 25 March 2021 and 8 May 2021 NGET held a non-statutory public consultation to:

- re-introduce the project and explain the proposals at the time NGET paused work in 2013;
- explain how they had reviewed the proposals and identified some areas for further consideration, and;
- gather views on the proposals and explain how they would consider feedback as the proposals are developed.

Round 4 Statutory Consultation – 25 January to 21 March 2022

Following further technical work and feedback from non-statutory consultation, NGET made a number of changes to the design of their proposed reinforcement. Additionally, NGET developed further detail for the proposals, including around construction and environmental mitigation.

Between 25 January and 21 March 2022, NGET held a statutory consultation on the Bramford to Twinstead Reinforcement. The purpose of this consultation was to:

- set out the detailed plans for the proposed reinforcement;
- explain how the proposals had changed since the previous consultation in 2021, and;
- gather views on the proposals and explain how NGET would consider feedback as they look to finalise their plans.

Round 5 Targeted Consultation – 8 September to 19 October 2022

As a result of feedback received during the statutory consultation in spring 2022, NGET made some further changes to the proposals. The biggest changes to the plans at this consultation were in the western part of the Stour Valley, in the parishes of Lamarsh, Alphamstone, Twinstead, Pebmarsh and Little Maplestead. NGET also made several smaller changes to their proposals across the wider route of the proposed reinforcement.

Between 8 September and 19 October 2022, NGET therefore held a targeted consultation on changes to plans for the Bramford to Twinstead Reinforcement. The purpose of this consultation was to:

- update and seek views on the proposals for the Bramford to Twinstead reinforcement in the western part of the Stour Valley, and;
- update and seek views on other smaller changes made to the Bramford to Twinstead reinforcement.

Planning Act 2008 considerations

This letter will now address whether the pre-application consultation undertaken by the applicant in relation to the project has complied with the statutory requirements set out within sections 42, 47 and 48 of the Planning Act 2008. Each section of the Act will be addressed separately for clarity.

Duty to Consult – Section 42(1) - Planning Act 2008

The applicant must consult the following about the proposed application –

- (a) such persons as may be prescribed,
 - (aa) the Marine Management Organisation, in any case where the proposed development would affect, or would be likely to affect, any of the areas specified in subsection (2),
- (b) each local authority that is within section 43,
- (c) the Greater London Authority if the land is in Greater London, and
- (d) each person who is within one or more of the categories set out in section 44.

Subsection (1)(a) refers to ‘such persons as may be prescribed’. These persons are listed in Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. A list of those consulted has been provided in the Consultation Report and appears to comply with those of relevance listed in Schedule 1.

A requirement to consult the relevant parish councils is included within Schedule 1. This appears to have been complied with.

There is no requirement to consult the Marine Management Organisation as the order limits of the Bramford to Twinstead DCO application do not fall within the categories set out in subsection (2), therefore subsection (1)(aa) is not engaged.

NGET has provided a list of the local authorities consulted on the project. This list includes the Councils alongside a few other neighbouring local authorities. The Councils can confirm they were engaged with by the applicant on all the consultation phases, the applicant has therefore complied with subsection b) in so far as the Councils are concerned.

There is no requirement to consult the Greater London Authority as the order limits of the Bramford to Twinstead DCO application do not fall within Great London, therefore subsection (1)(c) is not engaged.

Subsection (1)(d) of section 42 requires NGET to consult each person who is within one or more categories set out in section 44. This would include owners, lessees, tenants or occupiers of land included within the boundary of the order limits or those with an interest in the land or with a power to sell or convey the land. A list of landowner and statutory undertaker consultation has been provided in the Consultation Report. A table has been provided which details the landowners consulted by reference to their landowner number, it is not possible from this information to see if every person set out in section 44 has been consulted and therefore no comments are provided by the Councils on this point.

Section 45 of the Act 'timetable for consultation under section 42' requires that the applicant notifies the consultee of the deadline for receipt of comments in relation to the consultation which must not be earlier than 28 days after the consultation documents are received. The Councils can confirm that in relation to consultation with the Councils the requirements of section 45 of the Act have been met.

Duty to consult the local community – Section 47 of Planning Act

- (1) The applicant must prepare a statement setting out how the applicant proposes to consult, about the proposed application, people living in the vicinity of the land.
- (2) Before preparing the statement, the applicant must consult each local authority that is within section 43(1) about what is to be in the statement.
- (3) The deadline for the receipt by the applicant of a local authority's response to consultation under subsection (2) is the end of the period of 28 days that begins with the day after the day on which the local authority receives the consultation documents.

- (4) In subsection (3) “the consultation documents” means the documents supplied to the local authority by the applicant for the purpose of consulting the local authority under subsection (2).
- (5) In preparing the statement, the applicant must have regard to any response to consultation under subsection (2) that is received by the applicant before the deadline imposed by subsection (3).
- (6) Once the applicant has prepared the statement, the applicant must—
 - (za) make the statement available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land,
 - (a) publish, in a newspaper circulating in the vicinity of the land, a notice stating where and when the statement can be inspected, and
 - (b) publish the statement in such manner as may be prescribed.
- (7) The applicant must carry out consultation in accordance with the proposals set out in the statement.

In accordance with subsection (1) NGET prepared a Statement of Community Consultation (SoCC) which set out how they proposed to consult with ‘people living in the vicinity of the land’. The SoCC has been provided in the Consultation Report.

NGET consulted the Councils on the draft SoCC with comments being provided before the deadline. The Councils made several comments which were addressed prior to the publication of the SoCC.

By preparing a SoCC and consulting the relevant local authorities with the ‘consultation documents’ NGET has complied with subsections (1), (2), (3) and (4) of section 47. The Councils are also satisfied that NGET generally complied with subsection (5) with comments raised regarding the SoCC being given due ‘regard’ as required.

NGET has provided evidence in Appendix H2 to show the revised SoCC was published in the following newspapers:

- Colchester Gazette 18 January 2022
- East Anglian Daily Times 21 January 2022

The Councils agree that in accordance with subsection (6)(za) that NGET made the SoCC available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land,

The Councils are satisfied these newspapers ‘circulate in the vicinity of the land’ as required by subsection (6)(a). Subsection (6)(b) also requires the SoCC to be published ‘in any other manner as may be prescribed’. It was detailed within the SoCC and revised SoCC that the statement would also be available to view at several other locations between specified dates.

Subsection (7) requires NGET to undertake the consultation in accordance with the details set out in the statement. The Councils have no reason to question that NGET has carried out the consultation in accordance with the SoCC.

Duty to Publicise – Section 48 of the Planning Act

- (1) The applicant must publicise the proposed application in the prescribed manner.
- (2) Regulations made for the purposes of subsection (1) must, in particular, make provision for publicity under subsection (1) to include a deadline for receipt by the applicant of responses to the publicity.

Part 4 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 sets out how to 'publicise the proposed application in the prescribed manner' in order to comply with subsection (1). The Consultation Report provides copies of the section 48 notices in Appendix H4 that were published within the following sources:

- Colchester Gazette 18 & 25 January 2022
- East Anglian Daily Times 21 & 28 January 2022
- London Gazette 25 January 2022
- The Guardian 25 January 2022

The publication of the proposed application as set out in the Consultation Report complies with subsection (1). The other phases of the consultation were also published in local newspapers.

The press notice published provided a deadline for the receipt of responses to the consultation and therefore complied with subsection (2) of section 48. The information was made available from 25 January 2022 and a deadline of 21 March 2022 provided. This timeframe exceeded the requirement set out in the 2009 Regulations of 'not less than 28 days' but the local communities and stakeholders did find digesting the significant volumes of information provided during the consultation and drafting a detailed response within the timeframe challenging.

Conclusion

It is understood that it is for the Planning Inspectorate to determine whether the applicant has complied with the requirements of the Planning Act 2008 in order to accept the application. It is the Council's view that it has no reason to question that the NGET has complied with the statutory requirements set out in sections 42, 27 and 48 of the Planning Act 2008 for the reasons set out within this letter.

The only disappointing aspect of the consultation process from the Council's point of view was NGET declining to attend a public meeting at Stoke by Nayland Hotel arranged by a local Councillor in early 2022 to discuss the proposals at Statutory Consultation stage. This is referred to at paragraph 5.3.16 of the Consultation Report and the Council's note the explanation provided. The Councils recognises that such a public meeting was not

itself a regulatory requirement, but it would have been beneficial for the local community had NGET participated.

Yours sincerely,

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